

HOUSE BILL 3060  
By Walley

AN ACT to amend Tennessee Code Annotated, Title 64, Chapter 1, Part 4, to replace the Obion-Forked Deer Basin Authority with a new Authority attached to the Department of Environment and Conservation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1. Tennessee Code Annotated, Title 64, Chapter 1, Part 4, is amended by deleting every section except Sections 64-1-403 and 64-1-404 in their entirety and replacing them with sections 2 through 10 of this Act, designated appropriately.

Section 2. Creation--Purpose.--

(a) There is hereby created and established, within the Department of Environment and Conservation, the West Tennessee River Basin Authority, hereinafter referred to as the "Authority".

(b) The authority is created to preserve the natural flow and function of the Hatchie, Obion, and Forked Deer River basins through environmentally sensitive stream maintenance. The authority will also seek to: (1) maintain or stabilize the function of altered streams and rivers for which the expectation of altered drainage is well established because of agricultural or other land uses and for which the restoration of natural stream or river function is not practicable; (2) restore where practicable, in a self sustaining manner, natural stream and floodplain dynamics and associated environmental and economic benefits (i.e., restore and

conserve fisheries and wildlife habitat, wetlands, water quality, and naturally or economically productive bottom land hardwood systems); (3) facilitate the proper interaction of private activities adjacent to or affecting public waters which may be negatively affecting those waters; and (4) in general, provide regional and local leadership for the conservation and sustainable utilization of said river basins. These activities shall be accomplished in the 17 county area of West Tennessee comprised of Lauderdale, Lake, Dyer, Obion, Madison, Weakley, Henry, Gibson, Carroll, Haywood, Crockett, Henderson, Chester, McNairy, Tipton, Fayette and Hardeman Counties;

(c) The authority shall be administered in such a way as to maximize the funds spent on actual work on the rivers and minimize administrative costs.

(d) As an agency of the State, attached to the Department, the authority shall be subject to all laws and regulations applicable to any State department.

### Section 3. Board of Directors.--

(a) The West Tennessee River Basin Authority, under the administrative control of the Department of Environment and Conservation, shall be governed and directed by a board of directors consisting of the following members:

(1) The county executive of each county electing to participate in the authority shall be a member of the board, or if the county executive recommends, the county legislative body may select a member of the county legislative body or another citizen of the county to serve instead of the county executive;

(2) The Commissioner of Agriculture, or a designee;

(3) One (1) member who is a supervisor of a soil conservation districts in the participating counties, as established under the soil conservation Districts Law, compiled in title 43, chapter 14, part 2, to be appointed by the governor from a list of nominees submitted by the Tennessee Association of Soil Conservation Districts. The terms of this member shall coincide with his or her term of office;

(4) One (1) member of the house of representatives representing part of the area to which this part applies, to serve on the board during such representative's term of office, to be appointed by the speaker of the house;

(5) One (1) member of the senate representing part of the area to which this part applies, to serve on the board during such senator's term of office, to be appointed by the speaker of the senate;

(6) The commissioner of the department of environment and conservation, or a designee;

(7) The executive director of the wildlife resources agency, or a designee;

(8) One (1) member who is a resident of a participating county appointed by the governor from a list of nominees submitted by the Tennessee Forestry Association;

(9) One (1) member who is a resident of a participating county appointed by the governor from a list of nominees submitted by the Tennessee Conservation League;  
and,

(10) One (1) member who is a resident of a participating county appointed by the governor from a list of nominees submitted by the Tennessee Farm Bureau.

(b) It is the intent of the General Assembly that the presently serving members of the Board of the Obion-Forked Deer Basin Authority serve as the initial Board of this new authority, if they are willing. Annually, at its first meeting of the year, the board shall elect a chair, vice-chair, and a secretary-treasurer and shall set a regular time and place for meetings of the board.

(c) Members of the board shall serve without compensation except reimbursement as provided by state travel regulations for travel expenses incurred in the performance of their official duties.

(d) Members of the board of the Obion-Forked Deer Basin Authority holding office when the Act becomes law may continue in their positions on the board of the authority until their terms expire in accordance with the provisions of this section.

Section 4. Annual reports.--The board of directors of the authority shall report annually as of June 30 of each fiscal year to the government bodies of the various counties, cities and towns in the area which have contributed financially to the operation of the authority. Such reports shall include statements of financial receipts and expenditures, and a summary of activities and accomplishments for the period and proposed plans for the next fiscal year, and for subsequent years.

Section 5. Pre-existing and independent projects.--

(a) Nothing in this part shall be construed as interfering with existing contracts or works of improvements currently under way by state and local governments, or with works of improvements that are undertaken independently of the authority and the state.

(b) The authority shall be the state agency that is responsible for carrying out the state's obligations under any easements given by landowners to the Obion-Forked Deer Basin Authority as required by the West Tennessee Tributaries Project of the U.S. Army Corps of Engineers.

Section 6. Cooperation with county soil conservation districts.--The authority shall develop its program and plans for implementation in close cooperation with existing county soil conservation districts as established under the Soil Conservation Districts Law, compiled in title 43, chapter 14, part 2, and it is the intent of this part that such districts be joint sponsors of individual projects or works of improvements as related to small watersheds in individual counties.

Section 7. Cooperation from state agencies.--All agencies of the state of Tennessee are hereby authorized and directed to extend their cooperation and lend assistance to the authority in the formulation and implementation of its program.

Section 8. Election to participate.--

(a) The provisions of this part shall apply only to the counties of Lauderdale, Lake, Dyer, Obion, Madison, Weakley, Henry, Gibson, Carroll, Haywood, Crockett, Henderson, Chester, Tipton, Hardeman, Fayette, and McNairy, which may, upon approval by a majority vote of the respective county legislative bodies, elect to participate in such programs as set out in this part; and in the event such an election is made, the provisions of this part shall apply to all counties making such an election.

(b) If any of such counties have previously elected to participate in , and have not withdrawn from, the programs of the Obion-Forked Deer basin authority established by Acts 1972, ch. 806, or by Acts 1976, ch. 448, as amended, no further election shall be necessary to become a participating county in the authority created by this part, and such status as a participating county shall carry over and apply to the authority and its programs provided for herein.

Section 9. Budgetary limitations.--It is the legislative intent, hereby declared, that the purposes of this part shall be carried out subject to the availability of funds with which to do so and that this part, shall not be implemented beyond budgetary limitations.

Section 10. Relation to existing laws--Construction of part.--

(a) This part shall be considered supplemental and additional to any and all other laws and confers sufficient authority in and of itself for the purposes set forth herein.

(b) This part shall be liberally construed to effectuate its purpose.

Section 11. Tennessee Code Annotated, Section 64-1-403, is amended by deleting the word, "authority" in the first sentence and substituting instead the word, "board".

Section 12. Tennessee Code Annotated, Section 64-1-403, is further amended by adding the following new subsections, appropriately designated:

( ) Set policy for the authority, including identifying projects, the priority of work and allocating how the budget will be spent;

( ) Delegate any of its powers and duties to the staff assigned to it within the Department;

Section 13. Tennessee Code Annotated, Section 64-1-403, is further amended by deleting in subdivision (1)(C) the language, "all employees, staff" and substitute instead, "a program manager".

Section 14. Tennessee Code Annotated, Section 64-1-403, is further amended by deleting subdivision (1)(D) in its entirety.

Section 15. Tennessee Code Annotated, Section 64-1-403, is further amended by deleting subdivision (2)(A) in its entirety and substituting instead, "Investigate all water and related resources of the Hatchie, Obion, and Forked Deer River basins with regard to flow, hindrances to flow, health of bottomland hardwoods;".

Section 16. Tennessee Code Annotated, Section 64-1-403, is further amended by deleting subdivision (2)(B) in its entirety and substituting instead the following appropriately designated subdivision:

( ) Conduct planning for maintenance and restoration of flow and floodplain dynamics of the Hatchie, Obion, and Forked Deer River basins. Such planning shall include the order in which specific projects will be commenced. It may also include the prevention of upland soil erosion through such projects as gully and road bank treatment, cropland conversion and accelerated conservation and treatment of grasslands and forests. Such plan formulation must take into account the plans and proposals already prepared by local, state and federal agencies dealing with water control, conservation and related land development.

Section 17. Tennessee Code Annotated, Section 64-1-403, is further amended by deleting in subdivision (2)(E) the language, after "water resources" and substituting instead, "or flood plains, if needed and appropriate, however, many of the projects should be accomplished

without detailed engineering plans and specifications as they will involve only the removal of minor blockages or beaver dams or similar actions”.

Section 18. Tennessee Code Annotated, Section 64-1-403, is further amended by deleting in subdivision (2)(F) the remainder of the first sentence after the word, “maintenance” and substituting instead the language, “construction, or removal of roads, highways, bridges or utility lines;”.

Section 19. Tennessee Code Annotated, Section 64-1-403, is further amended by deleting in subdivision (2)(F) all the sentences after the first sentence and the concluding “and”.

Section 20. Tennessee Code Annotated, Section 64-1-403, is further amended by deleting the subdivision headings “(1) General”, “(2) Plan Formulation”, and “(3) Plan Execution and Implementation” and redesignating appropriately all subdivisions as amended by this Act.

Section 21. Tennessee Code Annotated, Section 64-1-404, is amended by deleting the language in subsection (a) that begins with, “The authority has” and ends with “cooperative planning and” and change capitalization accordingly.

Section 22. Tennessee Code Annotated, Section 64-1-404, is further amended by deleting subdivision (a)(4) and subsections (b), (c), and (d) in their entirety.

Section 23. Tennessee Code Annotated, Section 64-1-404, is further amended by deleting in subdivision (a)(1)(c) the language, “Obion-Forked Deer basin or watersheds as defined herein” and substitute instead “the Hatchie, Obion, and Forked Deer River basins”.

Section 24. Tennessee Code Annotated, Section 64-1-404, is further amended by deleting in subdivision (a)(2) the language, “Obion-Forked Deer river basin” and substitute instead “the Hatchie, Obion, and Forked Deer River basins”.

Section 25. This Act shall take effect upon July 1, 1996, the public welfare requiring it.

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